

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>WE THE PEOPLE,</b>	:	<b>CIVIL ACTION</b>
<b>Petitioner,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>THE SHERIFF DEP'T, <u>et al.</u>,</b>	:	
<b>Respondents</b>	:	<b>NO. 02-mc-0169</b>

**ORDER**

AND NOW, this 3rd day of December, 2007,

WHEREAS, this action was commenced on June 20, 2002;

WHEREAS, as of the date of this Order, Petitioner has not filed with the Court any proof of actual service upon Respondents;

WHEREAS, nothing has been docketed in this action since September 9, 2002,

IT IS HEREBY ORDERED this action is DISMISSED WITH PREJUDICE pursuant to Rule 4 of the Federal Rules of Civil Procedure.<sup>1</sup>

The Clerk of the Court is instructed to CLOSE this case for all purposes, including

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<sup>1</sup> Because more than 120 days have elapsed since the Complaint was filed on June 20, 2002, and because Petitioner has not filed any proof of actual service, it is appropriate for the Court to dismiss this action pursuant to Rule 4(m). Rule 4(m) provides that

[i]f service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

statistics.

BY THE COURT:

S/Gene E.K. Pratter  
GENE E. K. PRATTER  
UNITED STATES DISTRICT JUDGE